

**SUPREME COURT MINUTES  
FRIDAY, OCTOBER 15, 2004  
SAN FRANCISCO, CALIFORNIA**

S128311

BRIDGEMAN v. SHELLEY  
Order to show cause issued

Election Code section 3103.5, which became effective September 27, 2004, requires any eligible overseas voter who wishes to cast his or her ballot by facsimile transmission to sign a “voter’s oath” that includes a statement “acknowledge[ing] that by returning my voted ballot by facsimile transmission I have waived my right to have my ballot kept secret.” In the present original writ proceeding, petitioners contend that this portion of section 3103.5 violates the California Constitution and the federal Help America Vote Act. (See Cal. Const., art. II, § 7 [“Voting shall be secret.”]; 42 U.S.C. § 1973ff-1(b)(5).)

Respondent Secretary of State is ordered to show cause before the Sacramento Superior Court, after the results of the November 2, 2004 election have been certified, on a date to be set by the superior court, why a writ of mandate or prohibition should not issue, restraining Respondent from enforcing the challenged portion of section 3103.5.

In view of the imminence of the November 2, 2004 election, and because the voter’s oath set forth in section 3103.5 contains additional elements that are unchallenged, we conclude that it is impossible, as a practical matter, to provide interim relief with regard to the upcoming election without engendering undue confusion and uncertainty in the election results. For this reason, the request for an interim stay is denied.

The superior court shall determine the dates upon which the return and the reply shall be filed, and shall resolve the matter in a timely manner so that a final determination of the issues can be reached well in advance of the next statewide election.

Votes: George, C.J., Baxter, Brown, and Moreno, JJ.

**S127265**

A107316 First Appellate District,  
Division Three

ALAMEDA COUNCIL, BOY SCOUTS AMERICA v.  
S.C. (ROE)

Time extended to grant or deny review

to November 18, 2004.

**S127315**

D042963 Fourth Appellate District,  
Division One

UTILITY CONSUMERS ACTION NETWORK v.  
P.U.C. (SAN DIEGO GAS & ELECTRIC CO.)

Time extended to grant or deny review

to November 18, 2004.

**S127649**

B169465 Second Appellate District,  
Division One

ORDLOCK v. FRANCHISE TAX BOARD

Time extended to grant or deny review

to December 2, 2004

**S120899**

MORALES (DANNY) ON H.C.

Extension of time granted

to October 18, 2004 for respondent to file the  
informal response.

**S123344**

A102790 First Appellate District,  
Division Five

GRAFTON PARTNERS v. S.C.  
(PRICEWATERHOUSECOOPERS LLP)

Application to appear as counsel pro hac vice granted

Robin S. Conrad of the District of Columbia on  
behalf of The Chamber of Commerce of the  
United States of America. (See Cal. Rules of  
Court, rule 983.)

**S126357**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS PURSUANT TO RULE 962,  
CALIFORNIA RULES OF COURT  
Order filed

Having been provided proof of compliance  
pursuant to Family Code 17520, the suspension  
of **JOHN S. HEIM** pursuant to our order filed  
on September 17, 2004, is hereby terminated  
This order is final forthwith.

**S126962**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS FOR NONPAYMENT OF DUES  
Order filed

Due to clerical error on the part of the State Bar of California, and good cause appearing, it is ordered that the order of suspension for nonpayment of dues filed on August 27, 2004, effective September 16, 2004, be amended *nunc pro tunc* to strike the name of **MICHELE F. DE FREITAS**.

**Bar Misc. 4186**

IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION  
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:  
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

**B178069** Second Appellate District

CALIF DEPT. OF ALCOHOLIC BEVERAGE  
CONTROL v. CALIF ALCOHOLIC BEVERAGE  
CONTROL APPEALS BOARD  
Order filed

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Seven.